

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR: US-PERU CONSULTATIONS

FOLLOWING IS "OUTLINE OF U.S. DELEGATION PROPOSAL"
OF MAY 17, 1978:

BEGIN TEXT. THE FOLLOWING IS AN INFORMAL PROPOSAL OF
THE U.S. DELEGATION, SUBMITTED FOR PURPOSES OF
DISCUSSION ONLY. IT DOES NOT NECESSARILY REPRESENT
THE POSITION OF THE U.S. GOVERNMENT. IF THERE IS AN
AFFIRMATIVE RESPONSE ON THE MAJOR ELEMENTS OF THE
PROPOSAL, THE U.S. DELEGATION IS PREPARED TO
RECOMMEND THE PROPOSAL TO ITS GOVERNMENT.

I. SCHEDULED OPERATIONS

A. BETWEEN THE U.S. AND PERU

1. DESIGNATED CARRIERS HAVE FULL FLEXIBILITY IN
DETERMINING FREQUENCIES, SCHEDULES, AND TYPE OF AIRCRAFT.

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SUBJECT TO EX POST FACTO CONSULTATIONS WHERE QUESTION OF
COMPLIANCE WITH ANNEX PROVISIONS IS RAISED. NO A PRIORI
GOVERNMENTAL DISAPPROVALS.

2. ULTIMATE REMEDY IF CONSULTATIONS FAIL IS
RENUNCIATION, NOT UNILATERAL ACTION.

3. FULL AIRLINE FLEXIBILITY IN SERVING AUTHORIZED

INTERMEDIATE POINTS.

B. SOUTH OF PERU

1. DESIGNATED CARRIERS HAVE FULL FLEXIBILITY IN DETERMINING FREQUENCIES, SCHEDULES, AND TYPE OF AIRCRAFT. SUBJECT TO EX POST FACTO CONSULTATIONS WHERE QUESTION OF COMPLIANCE WITH ANNEX PROVISIONS IS RAISED. NO A PRIORI GOVERNMENTAL DISAPPROVALS.
2. IF CONSULTATIONS FAIL, OBJECTING PARTY MAY ORDER REDUCTIONS IN FREQUENCIES DOWN TO THE MINIMUM LEVEL FOR THE APPLICABLE YEAR AS SPECIFIED IN PARAGRAPH 3 BELOW.
3. MINIMUM LEVEL IS 15 FLIGHTS IN FIRST YEAR, TO INCREASE BY 2 FLIGHTS EACH YEAR FOR 3 YEARS. THEREAFTER THE REGIME DESCRIBED IN A WILL APPLY ALSO FOR POINTS SOUTH OF PERU.
4. INCREASED FLEXIBILITY IN SELECTION BETWEEN BEYOND POINTS.

C. LOW FARES

INCORPORATION INTO BILATERAL AGREEMENT OF LANGUAGE ENCOURAGING AIRLINES TO FILE LOW INNOVATIVE FARES, AND FACILITATING GOVERNMENTAL APPROVAL OF SUCH FARES.

D. ROUTE RIGHTS FOR SCHEDULED CARRIERS

REVERT TO ROUTE SCHEDULE IN PARAGRAPHS 7 AND 8 OF LIMITED OFFICIAL USE

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1966 AMENDMENTS, WITH ADDITION OF NEW YORK CITY AS A POINT FOR PERU.

II. CHARTER OPERATIONS

EXCHANGE LIBERAL CHARTER REGIME, ON BASIS OF U.S.

DOCUMENT PREVIOUSLY SUBMITTED.

III. LEASING ARRANGEMENTS FOR PERUVIAN AIRLINES

NOTWITHSTANDING THE PROVISION OF THE 1966 AMENDMENT LIMITING LEASING TO AIRLINES OF THE SAME NATIONALITY, THE U.S. WILL GIVE SYMPATHETIC CONSIDERATION TO TRANS-NATIONAL LEASING ARRANGEMENTS FOR PERUVIAN AIRLINES, PROVIDED THE LESSOR HOLDS OR OBTAINS NECESSARY AUTHORITY UNDER U.S. LAW. LEASE ARRANGEMENTS SHOULD BE LIMITED IN TIME AND DESIGNED AS A TRANSITIONAL MEASURE UNTIL PERUVIAN AIRLINE CAN CONDUCT THE OPERATIONS ITSELF.

IV. OTHER ISSUES

A. AMEND BILATERAL TO INCLUDE AVIATION SECURITY

PROVISIONS.

B. ELIMINATION OF EXCESSIVE AND DISCRIMINATORY FUEL
PRICES.

C. RESOLUTION OF GROUND-HANDLING DISPUTE.

D. REVIEW OF LANDING FEES SITUATION. END TEXT. VANCE

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